

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

ELIZABETH SINES	:	Case No. 3:17-cv-00072
Plaintiff	:	Judge MOON Mag. Judge Hoppe
-v-	:	<u>MOTION TO COMPEL THE DEPOSITION OF WES BELLAMY</u>
JASON KESSLER et al.	:	
Defendants	:	

Defendants Jason Kessler, Nathan Damigo, Matthew Parrott, Identity Evropa, and Traditionalist Workers Party (“Defendants”) move the Court for an order compelling nonparty Wes Bellamy to appear for his deposition.

On June 15, 2020 Defendants noticed all parties to this litigation that they would issue a subpoena take the deposition of Mr. Bellamy. On June 17, 2020 Defendants obtained personal service of the subpoena on Mr. Bellamy. Thereafter, Defendants mailed a letter to Mr. Bellamy at the address where personal service was obtained directing him to contact the Defendants to receive remote meeting credentials or if he wished to re-schedule his deposition date or time.

Though he was properly subpoenaed and personally served, Mr. Bellamy neither appeared for his deposition nor made any other type of legally permitted response. Federal Rule of Civil Procedure 37(a) allows a party to apply to the Court for an order compelling discovery. FED. R. CIV. P. 37(a)(2)(A). Federal Rule of Civil Procedure 45

allows a subpoena to command a person to attend a deposition. FED. R. CIV. P. 45(c)(1).

Failure to obey a subpoena is subject to civil contempt if the subpoena has been served and the failure to obey is not adequately explained. FED. R. CIV. P. 45(e). Mr. Bellamy was subpoenaed (Ex. A) and personally served (Ex. B). No adequate explanation has been provided for Mr. Bellamy's failure to obey.

Wherefore, Defendants respectfully request that the Court (1) compel Mr. Bellamy to appear for his deposition; and (2) order Mr. Bellamy to pay Defendants' reasonable expenses incurred in arranging Bellamy's July 21, 2020, deposition and in bringing this motion, including reasonable attorneys' fees and costs.

Respectfully Submitted,

s/ Elmer Woodard

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CERTIFICATE OF SERVICE

I certify the above was served on August 4, 2020 on all ECF participants and that parties requiring service by other means were served as follows:

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s/ James E. Kolenich
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